

**MINUTES**  
**(Subject to approval by the Committee)**  
**Federal Lands Interim Committee**  
**Friday, March 14, 2014**  
**1:00 PM to 5:00 PM**  
**Lincoln Auditorium, Room WW02**  
**Boise, Idaho**

**Co-chair Senator Chuck Winder** called the meeting to order at 1:00 p.m.

Members present included Co-chairs Senator Chuck Winder and Representative Lawrence Denney, Senators Bart Davis, John Tippets and Sheryl Nuxoll; Representative Stephen Hartgen and Ad Hoc Representative Terry Gestrin. Senator Michelle Stennett and Representatives Mike Moyle, Eric Anderson and Grant Burgoyne were absent and excused. Staff members present included Katharine Gerrity, Ray Houston and Jennifer McClelland. Panel presenters were Mr. Michael Bogert, Parsons Behle & Latimer; Mr. Steve Allred, former Director, Idaho Department of Environmental Quality, former Assistant Secretary, Land & Minerals, Department of the Interior; Mr. James Caswell, former Director, Office of Species Conservation, former Director, Bureau of Land Management, Department of the Interior; Mr. Jim Riley, Riley & Associates, former Director, Idaho Forest Industries Association, Roadless Rule Participant; Mr. Thomas Perry, Counsel to the Governor, Office of the Governor; Ms. Kathleen Clarke, Director, Utah Governor's Public Lands Policy Coordination Office; Ms. Laura Skaer, Executive Director, American Exploration and Mining Association; Mr. Mike Carrier, State Director, U.S. Fish & Wildlife Service and Mr. Jeff Foss, Deputy State Director of Resources, Idaho Bureau of Land Management. Others present included Jim Nunley, Idaho Wildlife Federation; Valley County Commissioner Gordon Cruickshank; Pat Barclay, ICIE; Boise County Commissioner Jamie Anderson; Courtney Washburn, ICL; Jonathon Oppenheimer, ICL; Gregg Servheen, IDFG; Norm Semanko, IWUA; Cameron Kinzer, Gallatin Group; Tom Flynn, Outdoor Alliance; Mike Roach, Office of Senator Risch; Matt Ellsworth, American Exploration and Mining and Andy Brunelle, U.S. Forest Service.

NOTE: All copies of presentations, reference materials, handouts and written testimony are on file at the Legislative Services Office and are also available online at the Legislative Services Office website: <http://www.legislature.idaho.gov>.

**Co-chair Winder** requested a silent roll call. **Co-chair Winder** remarked that members would be coming in and out of this meeting due to committee meeting obligations and that the meeting would be conducted in an informal, workshop format between the panel and the committee.

**Co-chair Denney** introduced **Mr. Michael Bogert, Parsons Behle & Latimer**, to begin the dialogue. **Mr. Bogert** made some initial introductory remarks and turned introductions over to the other panelists.

**Mr. Caswell** introduced himself as the former Director of the Office of Species Conservation under former Governor Kempthorne and Governor Otter. He noted that he was also the former Director of the Bureau of Land Management, Department of the Interior. He told the committee that he has worked in the natural resources field for over 49 years. He is now retired and does some consulting.

**Mr. Steve Allred** gave a summary of his background and experience. **Mr. Allred** was the former Director of the Idaho Department of Environmental Quality and the former Assistant Secretary of Land & Minerals, Department of the Interior under Secretary Kempthorne. **Mr. Allred** has worked in state government on and off for over 20 years as well as in the private sector.

**Mr. Jim Riley** introduced himself as the President of Riley & Associates. **Mr. Riley** noted that he has limited government experience, but that he comes from the perspective of the private sector. He also stated that he has participated as a presenter in earlier committee meetings.

**Mr. Bogert** then acknowledged **Ms. Kathleen Clarke**, Director of the Utah Governor's Public Lands Policy Coordination Office, for her assistance in preparation for the meeting.

**Mr. Bogert** provided the committee with some background relating to public lands. Highlights of his presentation included the following:

- As of 2010, the U.S. owns 61.7% of the land mass in Idaho;
- The BLM alone owns 21.9% of Idaho;
- Economic opportunity in Idaho depends on land stewardship and fair multiple use of public lands;
- Three major initiatives that intersected the view of Idaho land management philosophy with the application of federal law and programs were the Coeur d'Alene Basin (Superfund), the Nez Perce Agreement (Endangered Species Act) and the Roadless Rule (RPA as amended by NFMA);
- Hallmarks of the collaborative efforts:
  1. Involved a powerful federal statute which could be seemingly imposed upon the states in an unbridled fashion (referencing Superfund, the Endangered Species Act and the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act);
  2. Each effort was marked by initial litigation;
  3. Each effort brought the United States to the table through a state-based mechanism;
  4. The state of Idaho had a key place in the federal framework; and
  5. With each state/federal collaboration, a key breakthrough was achieved with the United States.

**Mr. Bogert** continued the presentation, discussing the Snake River Basin adjudication. He went on to note that the key point is that in each of the success stories, the state of Idaho is truly invested as a real partner in making federal law successful.

**Mr. Riley** was the next speaker to address the committee and stated that he has worked with **Mr. Bogert**, **Mr. Caswell** and **Mr. Allred** on previous projects. He said that each of these projects, while appearing to be "a collaboration," was more the state reacting to federal decisions. He added that the solutions that were reached were not solid successes, in his opinion, from a forestry perspective. **Mr. Riley** discussed the Idaho Forestry Program to provide ESA assurances for private forest landowners, that if they conducted their forest practices in a certain way they would be able to get certain immunities under the ESA. He said that they laid out a very elaborate term sheet that they presented to the federal government. He added that an EIS was to be prepared to implement the terms and now, ten years later, the EIS has still not been completed. **Mr. Riley** said that he was advised this week that the federal government wants to start over. He said that this is a huge disappointment and not a success, in his opinion.

**Mr. Riley** discussed the Roadless Rule where the end result was a rule proposed by Idaho and put in place by the federal government. **Mr. Riley** said that a key part of the rule was permission and an expectation that roadless areas that had forest health problems adjacent to communities, where there were risks such as fire danger posed to the communities, could and would be treated to mitigate the risk. He said eight years later, the federal government has done nothing. He added that the rule is not operating as a success, but it is still better than the alternative of not having the rule initially set in place. He stated that there has to be a better solution to the problem.

**Mr. Allred** discussed the Superfund site in Coeur d'Alene. He said that the CERCLA process extremely limits communities and local decisions that can be made. He said that by working with state leadership and our congressional leadership they were able to create a set of circumstances where they believed it would convince EPA it would be best to work with, rather than ignore, the state. He added that they created a three-tier program which included undertaking and intervening in some court actions, making sure they had the expertise relating to health risks and other impacts and creating a mechanism by which all parties involved could share in discussions and decisions.

**Mr. Allred** noted that pressure against the EPA regarding the Superfund site provided real benefits for the people in the basin, including contributing to the economy. **Mr. Allred** stated when all state mechanisms are used there can be an impact on the federal government.

**Co-chair Denney** asked what mechanisms we are missing. **Mr. Allred** responded that all funding so far has come from federal funding.

**Mr. Caswell** stated that in 1999 the Clinton Administration announced they were going to put together a Roadless Rule across the entire country. He said that he was a forest supervisor at the time and they were told that within the week they were to have public meetings to gather input. **Mr. Caswell** said that he was appalled by the fact that forest supervisors were not included in terms of preparation for how they were to engage the public in such a large endeavor. He said that he decided to have formal public meetings in the local high school. He said that the federal government did promulgate a rule that essentially said "hands off" with regard to the designated 58.5 million acres across the country, of which 9.5 million acres are in Idaho. He added that the result was litigation for Idaho and other states.

**Mr. Caswell** went on to say that when the Bush Administration came into office there were about a dozen lawsuits. The federal government made an offer to some states involved in litigation to craft their own Roadless Rules and present them to the federal government to be reviewed. Governor Kempthorne asked **Mr. Caswell** to lead the charge. **Mr. Caswell** said that he decided the best approach was to go to the counties. The input from the counties resulted in five themes, from very restrictive to less restrictive. Former Governor Risch picked up the mantle. Others involved included Governor Otter and Tom Perry.

**Mr. Caswell** told the committee about various projects in the state and addressed one project being worked on in Gibbonsville . He said the idea behind this is packaged around the notion of a Community Protection Zone which surrounds communities adjacent to road less areas. **Mr. Caswell** said that the process has been slow, but they have made great progress. He added that litigation was a success at the district court level and the 9th Circuit level.

**Mr. Caswell** noted that there are two things you need to achieve success, that being state leadership and support from Washington as well as social license. He added that the key to making decisions durable is the ability to stay up to speed on public opinion and addressing what is the right thing to do on the ground. He said it is making a difference and we can step up our success by following through and having focused individuals working on these issues and not giving up.

**Mr. Caswell**, in response to a question from Representative Gestrin, stated that counties are absolutely an important player in moving forward. He added that there are three county commissioners on the Road less Commission. **Mr. Caswell** said that counties are the best at running public efforts. He added that local people need a voice and they get drowned out in the national rhetoric. He said that counties are the key to successes down the road.

**Mr. Bogert** stated that collaboration is the decided path of most resistance if it's done correctly and that collaboration is not for the faint of heart. He added that it is a process that must be repeated again and again.

**Mr. Riley** stated he wanted to offer the perspective of finding a better way. He stated that there is a need to go beyond the status quo and that enabling these processes is cumbersome.

**Mr. Caswell** stated we are asking that very question and what kind of modifications can be done in terms of process, judicial reviews and appeals. He said that there is the ability to be self-sufficient on the ground when the infrastructure and resources are there. He noted that they are trying to put together a proposal for the Clearwater Basin.

**Senator Winder** stated he appreciated the insights of the panelists. He said that the committee is not dealing with federal reserves, military areas and parks. He asked the panelists what types of

potential projects they think the committee could look at, in terms of those that are reasonable and achievable through collaborative efforts.

**Mr. Bogert** stated that he doesn't think the ESA should be the death knell for the development of public lands. He said that he believes a good starting point would be to analyze opportunities to continue access to public lands and to continue to fulfill business models such as the livestock and mining industries.

**Mr. Allred** stated that while working in D.C. with Congress, he was surprised that those in the East had a total disconnect to knowledge about public lands west of the Mississippi.

**Mr. Riley** stated that he wanted to offer a different perspective. He said that in other countries and other states, people think in terms of a "zoning of the lands" concept instead of a specific purpose of lands and who is best to manage them. He added that in the state of Oregon, a proposal was set forth for BLM lands that were designated by purpose and under specific management with clear objectives. He noted that all of this is instructional and the state might be able to do a more effective job and bring about more decision making.

**Mr. Caswell** stated there are a lot of acres that need restoration, not just in the timber category. He discussed master stewardship agreements where there are opportunities for cooperation with the Forest Service. He said that such efforts could be paid for from receipts from the land. He noted that this formal relationship with the federal government can also make money. The result would be good stewardship on the ground, logs to the mills and jobs.

**Representative Hartgen** asked what specific parameters would be necessary to implement a master stewardship agreement. He asked whether such an agreement could cross over to other industries, such as energy.

**Mr. Caswell** stated he wasn't sure he could add much more to what he already said. He added that the state has the opportunity to become a true partner with the federal government. He said that although there may be difficulty with some agencies, over time the state would be more involved and be more in control of their own destiny.

**Mr. Riley**, stated that county and state government working together on land projects dedicated to restoration forestry might best suit the new management scheme. He said the management activities, when conducted, have cash flow and are remarkably different than the federal government dictating what happens.

**Co-chair Denney** thanked the panel and called for a short recess.

After the recess, **Mr. Thomas Perry** introduced himself as Counsel to the Governor.

**Ms. Laura Skaer**- Executive Director, American Exploration and Mining Association, was the next speaker to address the committee. **Ms. Skaer** introduced **Mr. Matt Ellsworth**, also with the association, who previously worked for Governor/Senator Risch and Senator Crapo.

**Mr. Mike Carrier** introduced himself as Supervisor for the Idaho Office of the U.S. Fish & Wildlife Service.

**Mr. Jeff Foss** introduced himself as the Deputy State Director of Resources for the Idaho Bureau of Land Management. **Mr. Foss** said that he has been in that position since 2010 and has worked 22 years with the Forest Service, starting his career in Challis. **Mr. Foss** graduated from the University of Idaho and has a Master's Degree in Forestry from Michigan State University.

**Ms. Kathleen Clarke** introduced herself as the Director for Governor Herbert's Utah Public Lands Policy Coordination Office. **Ms. Clarke** stated their role is to make sure the state speaks with one voice in dealing with federal issues from NEPA to Greater Sage-Grouse. **Ms. Clarke** previously worked as the national director for BLM and for former Congressman Jim Hansen.

**Ms. Skaer** showed the committee a map of the Sage-Grouse of the western states. **Ms. Skaer** stated if she was an obstructionist group and wanted to stop mining and grazing on federal lands, she could not find a better species to use as a surrogate than the Sage-Grouse. **Ms. Skaer** stated they have been active regarding the issue since 2002 and that there are roughly 60 million acres that are subject to impact.

**Ms. Skaer** discussed Secretary of the Interior Ken Salazar's issuance of Secretarial Order 3310, also known as the "Wild Lands Initiative." The order gave the Bureau of Land Management immediate authority to designate appropriate areas with wilderness characteristics under its jurisdiction as "Wild Lands" and to manage them to protect their wilderness values. This resulted in outrage in the West. **Ms. Skaer** said that the policy was rescinded in 2011, but later that year the Department of the Interior recreated the policy, dressing it up as centering on Sage-Grouse. She told the committee that the policy is not based on sufficient science. She went on to say that the BLM offices are resisting state plans, arguing with state wildlife agencies and the atmosphere is getting worse. She said that comments on the process are coming in from Montana, Nevada, Idaho, Utah, Colorado, Oregon and Wyoming.

**Ms. Skaer** submitted several lengthy documents to be included in the record including Comments Regarding BLM/USFS Draft EISs for Sage-Grouse and Comments to BLM/USFS Regarding BLM/USFS Draft Land Use Plan Amendment and EIS for Greater Sage-Grouse, both of which may be found at LSO's website noted on page 1 of these minutes.

**Ms. Skaer** continued, commenting on violations of NEPA, the Mining Law and the Endangered Species Act, and other federal acts which are documented in the association's comments. She told the committee that they believe the Land Use Plan amendments pose a greater threat to the state and to economic activity on public lands in the western states than a listing. She said that with a listing they could at least do consultation, get a biological opinion, do mitigation, off-sight mitigation, get an incidental take permit and build projects. She added that if the Land Use Plan amendments are finalized based on the preferred alternatives across the states, and these draconian land use restrictions are put in place, the game will be over because it would affect surface occupancy and mineral withdrawal, in addition to takings issues with the federal government. She said that her association believes that Congress must intervene.

**Ms. Skaer** concluded by quoting a recent article by Idaho Wildlife Biologist Jack Connelly, a recognized expert on Sage-Grouse, in *Northwest Science* entitled "Federal Agency Responses to Greater Sage Grouse and the ESA Getting Nowhere Fast." **Ms. Skaer** cited from the article relating to criticism of the BLM's National Technical Team report and the makeup of that team: *"Most sage-grouse knowledge lies with state agencies and universities where there is expertise and population monitoring, habitat assessment and habitat rehabilitation. However, all too often, it appears that states are being taken along for the ride rather than allowed to drive the sage-grouse bus. A sincere collaborative effort among state and federal agencies is necessary to resolve the sage-grouse issue."* **Ms. Skaer** told the committee that they could not agree more.

Following a request by **Co-chair Denney** for a response to **Ms. Skaer's** presentation, **Mr. Mike Carrier** stated that his role is to represent the U.S. Fish and Wildlife Service, and its work with the state of Idaho, BLM and Forest Service for the conservation of Greater Sage-Grouse. **Mr. Carrier** said that USFW has worked closely with the BLM as a formal cooperating agency in the NEPA process. **Mr. Carrier** stated that the BLM draft EIS, which was drafted in 2013, identified co-preferred alternatives, one of which was Idaho's draft alternative and the other being BLM's subregional draft alternative. In advance of its work with BLM, USFW provided technical assistance to the Governor's task force since its inception in early 2012. **Mr. Carrier** said that it is the view of USFW that the state of Idaho conducted a very collaborative, stakeholder driven process that resulted in a biologically-based approach to long-term Greater SageGrouse conservation. He said that the service continues to provide technical assistance as needed. He said that Idaho's draft alternative set forth a concept

that is referred to as strategic habitat conservation as well as a robust monitoring and adaptive management strategy, concepts that they consider very important in long-term preservation. He said that the service has consistently recommended to the task force and to the BLM additional refinements, clarifications and specificity for both draft alternatives. He said the service continues to support the task force efforts and it is committed to working closely with the BLM, USFS, and the state of Idaho to develop a stakeholder, conservation strategy that assures longterm conservation objectives for Sage-Grouse. He said that at the same time, his office is working closely with adjacent states to ensure consistent conservation strategy across the range. He said that there is also a schedule for future work in determining the status of the species.

**Mr. Foss** was the next speaker and provided the committee with a habitat overview relating to the Greater Sage-Grouse. He commented that the planning effort is unique in the sheer land scale involved as well as the collaboration between the state, counties and federal government to find a path forward.

**Mr. Foss** stated told the committee that roughly 61 million acres comprise the total great basin habitat area. Sub-regions include Idaho and southwestern Montana, Nevada and northeastern California, Oregon and Utah. He said that the BLM manages fifty percent of the habitat and the Forest Service manages seven percent of the habitat. He added that one goal is to protect unfragmented habitat, minimize further habitat loss and fragmentation and maintain, enhance and restore habitat.

**Mr. Foss** stated the purpose of all Great Basin Greater Sage-Grouse EISs is to identify and incorporate appropriate conservation measures in Land Use Plans (LUPs) to conserve, enhance and restore greater Sage-Grouse habitat by reducing, eliminating or minimizing threats to that habitat. One of the threats is that the BLM plans need to be updated. He commented that the goals are to reduce the threats and update the plans by the fall or winter of 2014 which would give the Fish and Wildlife Service a year to evaluate the plans. He said there is a shared goal to make it unnecessary to list Sage-Grouse under the ESA and that it would continue to be a state managed species with sustainable populations and habitat in Idaho.

**Mr. Foss** noted that one of the primary threats to Sage-Grouse in Idaho is wildland fire and along with that is cheatgrass. He noted that other key planning questions include how to manage land use authorizations like mining, leasing and energy development. He added that they are looking at what measures to put in place to protect and improve Sage-Grouse habitat while maintaining grazing privileges, how to make decisions around realty decisions and how to promote and maintain activities that provide social and economic benefit to local communities while providing for Sage-Grouse habitat.

**Mr. Foss** provided the committee with a list of cooperating agencies including federal, state and county agencies. He said that eleven counties are at the table as cooperative agencies which include their review of the draft EIS. **Mr. Foss** noted that through their efforts they will be updating twenty-one BLM land use plans and eight Forest Service land use plans which will only apply to BLM and Forest Service administered lands.

**Mr. Foss** noted that the threats do vary by region and include invasive species, wildfire, conifer invasion, infrastructure, climate change, improper grazing, hard rock mining, oil and gas development and human uses. He said that the primary threats in Idaho are wildfire and invasive species such as cheatgrass.

**Mr. Foss** then addressed the action alternatives in the draft EIS. He complimented the work of Governor Otter's task force as well as the technical assistance provided by U.S. Fish and Wildlife. He said in selecting a preferred alternative they looked at what alternative best met their purpose and need to reduce threats, the agencies' multiple use and sustained yield missions, the interdisciplinary team recommendations, the environmental analysis and comments on the administrative draft EIS.

**Mr. Foss** said that the BLM and Forest Service will develop the proposed plan as part of the final EIS, which could include elements of any of the alternatives.

In looking more closely at Alternative D, which along with Alternative E is a co-preferred alternative, **Mr. Foss** said that habitat protection measures include the following factors:

- No net unmitigated loss of priority habitat;
- Robust adaptive management strategy;
- Increase fire suppression and restoration;
- Adjust livestock grazing standards to achieve Sage-Grouse habitat objectives;
- Decrease surface disturbance from new rights-of-ways and cross-country off-highway vehicles use;
- Eliminate future surface disturbance from wind and solar energy developments.

**Mr. Foss** then addressed Alternative E which was submitted by Governor Otter. He told the committee that habitat protection measure factors include:

- Robust adaptive management strategy;
- Increase fire suppression and restoration;
- Prioritize conifer removal;
- Mitigation bank of Sage-Grouse habitat restoration projects;
- Reduce disturbances from resource uses.

**Mr. Foss** went on to compare the alternatives side-by-side as depicted on his PowerPoint presentation which is available on LSO's website as noted on page 1 of these minutes.

**Mr. Foss** went on to note the time line provides that the final EIS/LUPA be released by June of 2014 and that a record of decision be signed by September of 2014, although these dates may be subject to change.

**Senator Davis** noted that in his county, there reportedly was quite a bit of collaboration in regard to addressing invasive species and that today there is little collaboration. He asked **Mr. Foss** to comment on collaborative efforts. **Mr. Foss** responded that collaborative efforts get their momentum at the local level. He said that the counties and Governor Otter have done a good job at working together with them but funding is an issue.

**Senator Davis** stated that to his understanding, projects were being identified and being worked on but there seems to have been a retrenchment. **Mr. Foss** responded that they address invasive vegetation through their updated resource management plans which set objectives in place and identify actions to be taken. He said that they don't in and of themselves authorize on-the-ground activities. He added that requires a second level of NEPA. He said that there is an issue of funding and prioritization.

**Senator Davis** said that he understands all the collaborative protocols had been established and were working. He said that money was coming in and projects were being worked on. He said that he understands there has been a retrenchment. **Senator Davis** asked **Mr. Foss** to look into what they were doing then that they aren't doing now and he added that he has the same question for the state.

**Senator Davis** asked how important it is to the federal government to have state support and input. He said that he wants confidence that this is not just lip service. He asked whether the federal agencies are committed to getting to "yes," and added that the commitment include the state of Idaho. **Senator Davis** said that he is concerned that the agencies will take the most restrictive measures from their alternative and blend them together with the most restrictive measures from the Governor's alternative, leaving us with the most restrictive of all. **Mr. Foss** responded that they see moving forward on Sage-Grouse a critical state and federal partnership. He said that their goal is

that the species will remain a state-managed species. He noted that they are at the draft stage and cannot promise what the outcome is going to be as they go through the NEPA process. He added that they have identified a co-preferred alternative which he believes shows sincerity on the part of the federal government that they are taking a hard look at the Governor's alternative. He commented that the adaptive management measure the state arrived at is very unique and is being looked at by other states.

**Mr. Carrier** responded that the states are not only a partner now in establishing durable, defensible and scientifically sound Sage-Grouse conservation that informs the agencies' assessment and decision. He said that it is equally important to be a partner over time, regardless of the outcome of the decision, to conserve the species and preserve a working landscape on these western lands. He added that they are absolutely committed to continued state involvement. He said that their comments to the Governor's plan are erring on the side of more protection of the species.

**Senator Davis** stated that he understands the plan the Governor is proposing is more than just casually defensible. **Senator Davis** stated that he doesn't understand why someone cannot just approve that plan. **Mr. Foss** responded that they are in the NEPA process, and that process is a very linear one. He added that he believes this has to be done through a strong partnership and buy-in into a strategy that can be implemented.

**Co-chair Winder** commented on the use of local help and local equipment in regard to wildfires. **Mr. Foss** responded that is an issue that did exist on BLM lands due to liability concerns. He noted this has changed since the formation of rangeland fire protection associations, which are established through an agreement and require participants to have training, including radio communication.

**Co-chair Winder** asked if there are other proactive things the BLM is doing in terms of other threats to Sage-Grouse. **Mr. Foss** responded that they are dealing with strategic fuel breaks, planting fire-resistant vegetation, treating areas of cheatgrass and removing junipers. He added that progress depends on funding, but a lot of this is about being strategic. **Mr. Foss** stated he believes they are making good progress and it's a long-term investment.

**Co-chair Winder** asked if other federal agencies are able to deal with other species since Sage-Grouse get the most attention. **Mr. Carrier** responded that some of the other species considered for listing are much easier to address than others. He said that the Sage-Grouse issue is huge because it covers eleven states, as well as many other factors. He added that, within current budget resources, they will be able to meet the designated assessment time lines.

**Ms. Skaer** stated she thinks that instead of amending the land use plans they should have used what was already in their tool box. **Ms. Skaer** stated that most people could deal with the listing, but the land use plans with their restrictions make it very difficult to perform.

**Ms. Clarke** stated she has had a long history dealing with Sage-Grouse and worked very closely with their Division of Wildlife. She said they began to realize a plethora of species were starting to crop up on the list of potential endangered species lists. She said they worked very hard to get a \$3 million a year fund to help mitigate the challenges of those species and to do whatever they could to minimize those threats. She said they realized they were losing sagebrush steppe habitat and desert sage habitat. She noted they set out on a very rigorous process at the time to understand the situation and take action, engaging Utah State University Extension and sending out fifteen local working groups to start gathering data, keeping records and doing monitoring. The Sage-Grouse were part of this effort. She said they began a very rigorous process of Sage-Grouse habitat restoration, and they have now restored over 400,000 acres of habitat, spending over \$30 million to do so.

**Ms. Clarke** said that after the Salazar meeting in Cheyenne, Wyoming, the Governor of Utah asked her to take charge of pulling together a stakeholder group that would be called the Governor's Working Group, to get them to collaborate and come up with a recommendation to him on an appropriate Utah Sage-Grouse conservation strategy. She said that instead of doing a



"one-size-fits-all" plan, they divided the state into ten Sage-Grouse management areas. She added that each area has its own plan for management sensitive to all of the needs of the bird. She said they have identified life-cycle management needs and they have incorporated some very significant strategies to protect those areas. She said that their plan would protect over ninety percent of the Sage-Grouse in Utah with only seventeen percent of the state tied up in Sage-Grouse management areas.

**Ms. Clarke** told the committee that they respect private property in their plan. She added that they set measurable goals and objectives. She also noted that Utah is the only state that, in the last few years, has had an increase in Sage-Grouse population. She said that they are expanding habitat and increasing population. She added that their plan also provides for mitigation and flexibility, both of which are essential to the plan's effectiveness. Ms. Clarke stated that in each of the management areas they have smaller areas that are "opportunity areas" where they can restore habitat and improve the overall situation.

**Ms. Clarke** said that they are also working to develop a market-driven conservation bank. She said that the intent is to have a place where industry can put money to be drawn out to protect the Sage-Grouse.

**Ms. Clarke** stated that they presented their plan to Fish and Wildlife and the BLM. She said the response was initially gracious and complimentary but went on to tell them what was wrong with their plan. She said that there were significant differences of opinion on even the most basic issues, such as the map that should be used. Ms. Clarke stated that they are troubled by some of the land regulatory restrictions that the Forest Service and BLM want to impose and that they don't think the science supports such restrictions. She noted that the agencies have admitted there isn't compelling science behind the restrictions but they want to play it safe and take extra protective measures.

**Ms. Clarke** told the committee that she serves on the Sage-Grouse task force comprised of members appointed by the various governors, the head of the BLM, the head of the Forest Service and a top level representative from the Department of the Interior. She said that they have been asked to develop a matrix to measure success of conservation actions. She said they had trouble coming up with a model so Fish and Wildlife gave them a model and told them to use it. She said they made some modifications to the model that Fish and Wildlife didn't agree with and the agency adopted their own model, claiming they had to move forward due to time constraints. **Ms. Clarke** said that Utah is now developing a set of matrix measurements that the states concur with and, at least for the record, they will have an alternative.

**Ms. Clarke** noted that if the bird is listed, states won't be able to contribute funds because they can't provide that for federally managed species. She also noted that at a meeting in January, the agencies noted that the question is whether the states have removed the threat and expressed concern that there is no assurance that voluntary measures will persist or that there will be ongoing funding. She noted that a representative of one of the federal agencies noted the possibility of a threatened listing under the 4(d) Rule. She said this would dramatically change the playing field and would be detrimental to Sage-Grouse.

**Co-chair Winder** thanked everyone for coming and the meeting was adjourned at 4:15 p.m.